

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GARDA CL ATLANTIC, INC.
Employer

and

SPECIAL AND SUPERIOR OFFICERS
BENEVOLENT ASSOCIATION
Petitioner

Case 29-RC-197242

and

UNITED FEDERATION OF SPECIAL
POLICE AND SECURITY OFFICERS
Intervenor

ORDER

The Intervenor's Request for Review of the Acting Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, MEMBER

LAUREN McFERRAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., December 6, 2017.

¹ In rejecting the Intervenor's contract-bar argument, the Acting Regional Director correctly found that a "last and final offer" document signed by both the Employer and Intervenor, standing alone, did not serve to bar the processing of the Petitioner's subsequent petition. We further find that the *set* of three documents proffered by the Intervenor (also including the parties' prior contract and unsigned bargaining notes purportedly showing their agreement on noneconomic terms) did not collectively constitute a bar, both because the former "last and final" document failed to incorporate the latter two documents by reference, and because the unsigned bargaining notes failed to confirm the parties' agreement to the specific proposals therein. Any set of documents which purports to bar an election must clearly set forth the agreed-upon terms and must be signed by both parties, in order to "leave no doubt" that the documents establish an offer and an acceptance of those terms. *B.C Acquisitions, Inc., d/b/a Branch Cheese*, 307 NLRB 239, 239 (1992); *Waste Management of Maryland, Inc.*, 338 NLRB 1002 (2003). Finally, we find it unnecessary to reach the Acting Regional Director's alternative finding that the contract lacked bar quality because it had not been "implemented" by the time the petition was filed in this case.